

REMARKS

Claims 1-20 are pending in this application. Claims 1 and 17 are independent claims. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,816,912 to Borella et al. (hereinafter "Borella"). This rejection is respectfully traversed.

Applicants submit that Borella does not teach or suggest each of the elements of claims 1-20. Independent claim 1, in part, recites "the first bearer setup request for requesting the selected bearer manager to create the bearer between the communication node and the correspondent node, and the first bearer setup request, when generated at the first application-level entity, being free of a network address identifying the network location of the selected bearer manager." Independent claim 17, in part, recites "selectably generating a first application-level bearer setup request at a first application-level entity, the first application-level bearer setup request for requesting the selected bearer manager to create the bearer between the communication node and the correspondent node, and the first bearer setup request, when generated at the first application-level entity, being free of a network address identifying the network location of the selected bearer manager." Borella does not teach or suggest these features.

Borella is directed to establishing and using a unidirectional virtual tunnel with foreign service applications (transport level entities such as the AAA) on a foreign network for a mobile node that has roamed to the foreign network. In Borella, when the foreign agent receives a registration request from the roaming mobile device (application level entity), the unidirectional virtual tunnel is established from a tunnel server to the foreign agent and a new communications path is created from the one or more foreign service applications (transport level entities) to the tunnel server, to the foreign agent and to the mobile device on the foreign network. After the virtual tunnel is established, data packets in Borella are tunneled at the tunnel server from one or more foreign service applications (transport level entities) via the unidirectional virtual tunnel to the foreign agent. The un-tunneled data packets are sent from the foreign agent to the mobile

network device. In the other direction, the tunnel server communications path is provided by providing routing information to a router associated with all foreign service applications. See at least Fig. 6 and Col. 11, line 31-Col. 12, line 19 of Borella.

There is no teaching or suggestion in Borella of a request generator, associated with an application level entity (mobile node 78), generating a bearer setup request and providing the request to a transport level entity (114-118), with the request being free of a network address identifying the network location of a selected bearer manager. In fact, the teachings of Borella are not concerned with using a bearer manager to setup bearer requests. Borella does not teach or suggest using a bearer manager, and in particular, setting up bearer requests with or without a bearer manager. Therefore, Borella is not concerned with whether a bearer setup request provided to a transport level entity is free of a network address identifying the network location of a selected bearer manager. One skilled in the art can only assume based on the teachings of Borella that if a bearer manager is used, the bearer setup request includes the network address identifying the network location of the selected bearer manager, as is known in the art.

Based on the distinctions noted above, Applicants submit that Borella does not teach or suggest each of the elements of claim 1 and 17. Each of claims 2-16 and 18-20 depends on claims 1 and 17 and incorporates all of the elements of claims 1 and 17, in addition to the further elements recited in claims 2-16 and 18-20. Hence claims 2-26 and 18-20 are also allowable at least because of their dependence on claims 1 and 17. Therefore, Applicants respectfully request that this rejection of claims 1-20 under 35 U.S.C. §102 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00425-US from which the undersigned is authorized to draw.

Dated: April 21, 2009

Respectfully submitted,

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